

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JEFFREY MOLNAR, ET AL.,

Plaintiffs,

V.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

Case No. 13-cv-00131-BAS(JLB)

ORDER LIFTING STAY AND SETTING PRETRIAL SCHEDULE

On August 19, 2015, this Court continued a stay in this action, as the parties are attempting to settle the case, and ordered the parties to file a joint motion to lift the stay and propose new pretrial and trial dates no later than September 8, 2015. (ECF No. 196.) On September 8, 2015, the parties filed a Status Report Regarding Ongoing Settlement Negotiations, informing the Court that they “remain engaged in settlement discussions and are cautiously optimistic that a settlement is possible and that they will be able to reach an agreement on principal terms of such resolution (or determine they are unable to do so) within thirty (30) days.” (ECF No. 197 at p. 1.) The Status Report thereafter proposed a revised case schedule that the parties agree “will permit them the time necessary to determine whether a settlement can be reached and if not, will not needlessly delay the efficient progression of the

1 litigation.” (*Id.* at p. 2.)

2 Given the foregoing, the Court hereby **LIFTS** the stay in this action and **SETS**
 3 the following pretrial schedule:

4 1. The parties must comply with the pretrial disclosure requirements of
 5 Fed. R. Civ. P. 26(a)(3) no later than **November 13, 2015**. Please be advised that
 6 failure to comply with this section or any other discovery order of the Court may
 7 result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on
 8 the introduction of experts or other designated matters in evidence.

9 2. In jury trial cases before this Court, neither party is required to file
 10 Memoranda of Contentions of Fact and Law pursuant to Civil Local Rule 16.1(f)(2).

11 3. Counsel shall confer and take the action required by Local Rule
 12 16.1(f)(4)(a) on or before **November 6, 2015**.

13 4. Counsel for the Plaintiff(s) must provide opposing counsel with the
 14 proposed pretrial order for review and approval and take any other action required by
 15 Local Rule 16.1(f)(6)(a) on or before **November 13, 2015**.

16 5. Written objections, if any, to any party’s Fed. R. Civ. P. 26(a)(3) pretrial
 17 disclosures shall be filed and served on or before **November 13, 2015**. Please be
 18 advised that the failure to file written objections to a party’s pretrial disclosures may
 19 result in the waiver of such objections, with the exception of those made pursuant to
 20 Rules 402 (relevance) and 403 (prejudice, confusion or waste of time) of the Federal
 21 Rules of Evidence.

22 6. The proposed pretrial order shall be lodged with chambers on or before
 23 **November 20, 2015** and shall be in the form prescribed in Local Rule 16.1(f)(6)(c).

24 7. The final pretrial conference is scheduled for **December 7, 2015** at
 25 **11:00 a.m.** in **Courtroom 4B**.

26 8. All motions *in limine* are due no later than **December 21, 2015**.

27 9. All responses to the motions *in limine* are due no later than **January 8,**
 28 **2016**.

1 10. The parties shall submit the following no later than **January 8, 2016**:
2 (1) joint proposed jury instructions; (2) proposed verdict form; (3) voir dire
3 questions; and (4) statement of the case.

4 11. The parties shall exchange final exhibit and witness lists no later than
5 **February 1, 2016**.

6 12. A hearing for the motions *in limine* is scheduled for **January 25, 2016**
7 at **11:00 a.m. in Courtroom 4B**.

8 13. The trial in this matter shall commence on **February 23, 2016** at **9:00**
9 **a.m. in Courtroom 4B**.

10 14. The dates and times set forth herein will not be modified except for good
11 cause shown.

12 **IT IS SO ORDERED.**

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14 **DATED: September 11, 2015**


Hon. Cynthia Bashant
United States District Judge

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